



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Captain Robert Taylor
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR98-2813

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119840.

The Amarillo Police Department (the "department") received a request for police reports numbered 96-107900, 97-14853 and 98-46340. You have supplied the responsive documents, which you contend are excepted from public disclosure by section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. We have examined the submitted information and considered the exception raised.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." As the subject information consists of records of juvenile suspects of crime, release of this information is governed by section 58.007 of the Family Code.

The Seventy-fifth Legislature passed House Bill 1550¹ which amends the Family Code and in part overrules Open Records Decision No. 644 (1996). In Open Records Decision No. 644 (1996), this office ruled that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996 that are maintained by law enforcement agencies. Juvenile offender records held by law enforcement agencies are now expressly confidential under section 58.007(c) of the Family Code. However, section 58.007(c) only applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. The relevant language of amended Family Code section 58.007(c) reads as follows:

¹Act of June 2, 1997, H.B. 1550, 75th Leg., R.S.

- (c) Except as provide by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

(1) kept separate from adult files and records; and

(2) maintained on a local basis only and not sent to a central, state or federal depository, except as provided by Subchapter B.

Open Records Decision No. 644 (1996) still applies to records concerning juvenile conduct that occurred from January 1, 1996 to August 31, 1997. Section 58.007(c) of the Family Code only applies to juvenile law enforcement records concerning juvenile conduct occurring on or after September 1, 1997 that are maintained by law enforcement agencies. Juvenile law enforcement records concerning conduct that occurred before January 1, 1996, are governed by former section 51.14(d) of the Family Code, which is continued in effect for that purpose. Act of June 2, 1997, H.B. 1550, 75th Leg., R.S.

Report number 96 107900 regards juvenile conduct that occurred October 27, 1997; report number 97-14853 regards juvenile conduct that occurred February 17, 1997. Pursuant to Open Records Decision No. 644 these reports must be disclosed. Report number 98-46340 regards juvenile conduct that occurred May 23, 1987; it is therefore subject to section 58.007(c) of the Family Code. As none of the exceptions in section 58.007 applies, this report is confidential and must be withheld under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 119840

Enclosures: Submitted documents

cc: Ms. Kathy M. Alston
7741 McLemore Lane
Amarillo, Texas 79108
(w/o enclosures)